

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

AKOLOUTHEO, LLC,

Plaintiff,

v.

MICROSOFT CORP.,

Defendant.

CIVIL ACTION NO.: 4:20-cv-009

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

1. This is an action under the patent laws of the United States, Title 35 of the United States Code, for patent infringement in which Akoloutheo, LLC (“Akoloutheo” or “Plaintiff”), makes the following allegations against Microsoft Corp. (“Microsoft” or “Defendant”).

PARTIES

2. Akoloutheo is a Texas limited liability company, having its primary office at 15139 Woodbluff Dr., Frisco, Texas 75035. Plaintiff’s owner and sole operator is Rochelle T. Burns.

3. Microsoft is a Washington corporation with its principal place of business at 1 Microsoft Way, Redmond, WA 98052-8300. Microsoft maintains a retail store in the Stonebriar Mall, located at 2601 Preston Road, Frisco, TX 75034. Microsoft’s Registered Agent for service of process in Texas appears to be Corporation Service Company, 211 E. 7th Street, Suite 620, Austin, TX 78701.

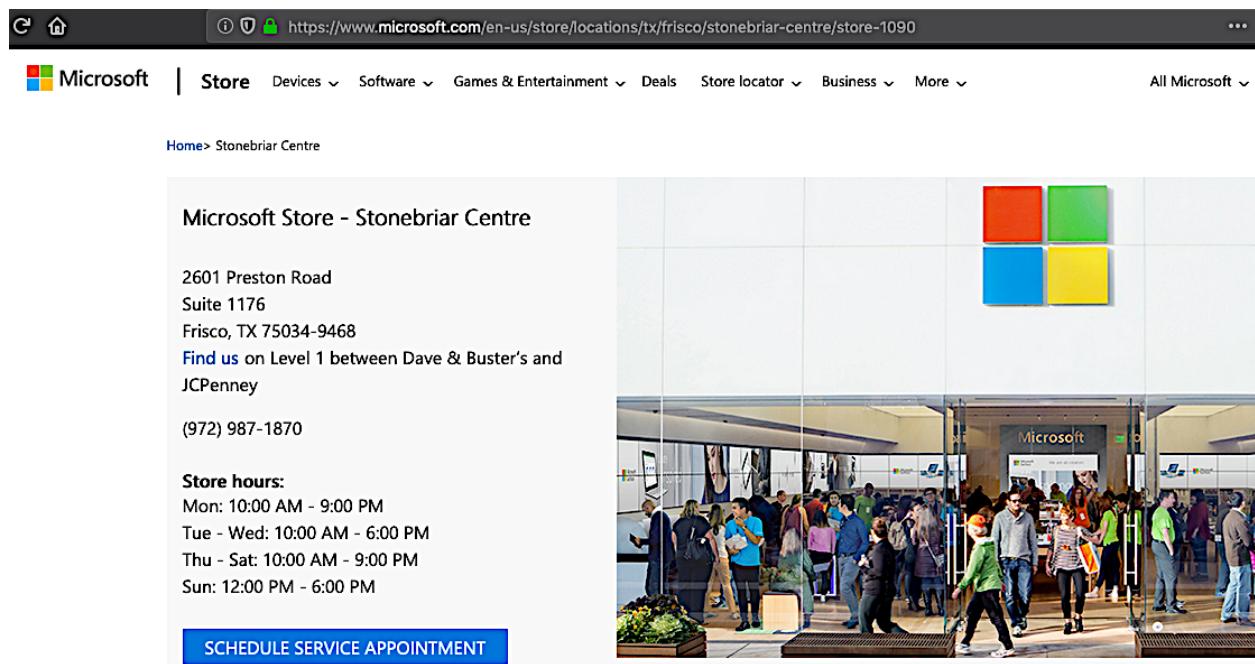
JURISDICTION AND VENUE

4. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. Venue is proper in this district under 28 U.S.C. §§ 1331(c), generally, and under 1400(b), specifically. Defendant has a regular and established place of business in this Judicial District, and Defendant has also committed acts of patent infringement in this Judicial District.

6. Defendant is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to its substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this Judicial District.

7. Defendant has an established place of business – specifically, a Microsoft retail store – located within the Eastern District of Texas, in Frisco, Texas:



8. Defendant has infringed, and does infringe, by transacting and conducting Microsoft business within the Eastern District of Texas.

9. Defendant's store in Frisco, Texas is a regular and established place of business in this Judicial District, and Defendant has committed acts of infringement (as described in detail,

hereinafter) within this District. Venue is therefore proper in this District under 28 U.S.C. § 1400(b).

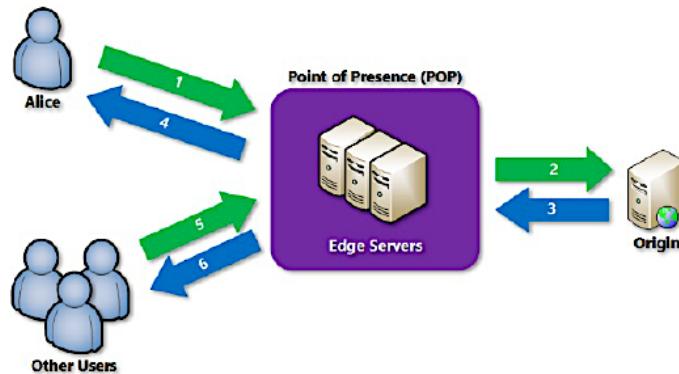
COUNT I
INFRINGEMENT OF U.S. PATENT NO. 7,426,730

10. Plaintiff is the owner by assignment of the valid and enforceable United States Patent No. 7,426,730 (“the ‘730 Patent”) entitled “Method and System for Generalized and Adaptive Transaction Processing Between Uniform Information Services and Applications” – including all rights to recover for past, present and future acts of infringement. The ‘730 Patent issued on September 16, 2008, and has a priority date of April 19, 2001. A true and correct copy of the ‘730 Patent is attached as Exhibit A.

11. Defendant directly – through intermediaries including distributors, partners, contractors, employees, divisions, branches, subsidiaries, or parents – made, had made, used, operated, imported, provided, supplied, distributed, offered for sale, sold, and/or provided access to software systems, cloud-based software, and/or software as a service (SaaS) (collectively, “software”) for organizing, storing, searching and retrieving media and data across multiple networked resources – including, but not limited to, Microsoft’s Azure Cognitive Search, Azure Media Service, Azure App Service, and Azure Content Delivery Network software systems (“Microsoft Software”).

12. The Microsoft Software is the infringing instrumentality.

13. Microsoft Software is server-based, operatively couples to a plurality of networked systems and resources, and accesses and retrieves data from across those networked systems.



14. Microsoft Software operates utilizing web-browser access:



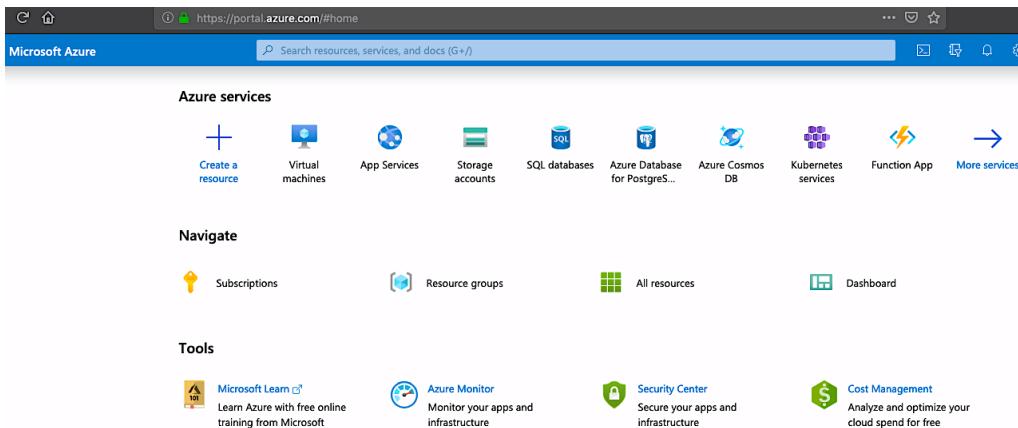
Azure App Service Web Apps



Azure Content Delivery Network (CDN)

Log in to the Azure portal

Open a browser and navigate to the [Azure portal](https://portal.azure.com/#home).



The screenshot shows the Microsoft Azure portal homepage. At the top, there is a navigation bar with a back button, a search bar containing 'https://portal.azure.com/#home', and a gear icon. Below the navigation bar is the 'Microsoft Azure' logo and a search bar with the placeholder 'Search resources, services, and docs (G+?)'. The main content area is titled 'Azure services' and features a grid of icons for various services: Create a resource, Virtual machines, App Services, Storage accounts, SQL databases, Azure Database for PostgreSQL, Azure Cosmos DB, Kubernetes services, Function App, and More services. Below this is a 'Navigate' section with links for Subscriptions, Resource groups, All resources, and Dashboard. At the bottom is a 'Tools' section with links for Microsoft Learn, Azure Monitor, Security Center, and Cost Management.

15. Microsoft Software provides for request and query based access to data and media from the networked systems.

With Azure Content Delivery Network (CDN), you can control how files are cached for a web request that contains a query string. In a web request with a query string, the query string is that portion of the request that

the network capabilities (high-bandwidth, mobile, or low-bandwidth scenarios). In this case, clients can manipulate the streaming of your content through the query string (by specifying available Asset filters or Account filters) and use filters to stream specific sections of a stream.

In Azure Cognitive Search, a query is a full specification of a round-trip operation. Parameters on the request provide match criteria for finding documents in an index, which fields to include or exclude, execution instructions passed to the engine, and directives for shaping the response. Unspecified (`search=*`), a query runs against all

16. Microsoft Software processes a user request or query, and retrieves data or media from networked sources.

Azure CDN has retrieved the origin web app's assets and is serving them from the CDN endpoint

the latest web app contents are retrieved and returned

the CDN retrieves smaller pieces of the file from the origin

In Azure Cognitive Search, a query is a full specification of a round-trip operation. Parameters on the request provide match criteria for finding documents in an index, which fields to include or exclude, execution instructions passed to the engine, and directives for shaping the response. Unspecified (`search=*`), a query runs against all

17. Microsoft Software utilizes and/or maintains a registry of data resources.

After the endpoint is created, it appears in the list of endpoints for the profile.

The **Select a resource** window appears on the right with the list of resources available to you. |

18. Microsoft Software dynamically processes transaction requests or queries, selecting resources and performing operations on those resources to provide a resultant resource or result to the user.

In Azure Cognitive Search, a query is a full specification of a round-trip operation. Parameters on the request provide match criteria for finding documents in an index, which fields to include or exclude, execution instructions passed to the engine, and directives for shaping the response. Unspecified (`search=*`), a query runs against all

The **Select a resource** window appears on the right with the list of resources available to you. |

19. Microsoft Software generates and processes transaction requests for access to particular network resources, selects one or more responsive resources, and provides access to a responsive resource through a user interface.

20. Plaintiff herein restates and incorporates by reference paragraphs 11 – 19, above.

21. All recited elements of – at least – claims 1, 15, and 17 of the ‘730 Patent are present within Microsoft Software.

22. Microsoft Software comprises a networked computer system that provides a resultant resource responsive to a transaction request.

23. Microsoft Software comprises transaction processing constructs.

24. Microsoft Software comprises a plurality of networked resources communicatively coupled to provide specific resources responsive to a transaction processed by Microsoft Software.

25. Microsoft Software maintains registries of networked resources and resource characteristics for use in responding to transactions requests.

26. Microsoft Software processes a transaction request utilizing contextual elements related to the request.

27. Microsoft Software selects one or more networked resources, and performs one or more operations on those networked resources to satisfy the transaction request.

28. Microsoft Software generates a resultant networked resource responsive to the transaction request, and delivers that resultant networked resource to the user, via a user interface.

29. Microsoft Software infringes – at least – claims 1, 15, and 17 of the ‘730 Patent.

30. Microsoft Software literally and directly infringes – at least – claims 1, 15, and 17 of the ‘730 Patent.

31. Microsoft Software performs or comprises all required elements of – at least – claims 1, 15, and 17 of the ‘730 Patent.

32. In the alternative, Microsoft Software infringes – at least – claims 1, 15, and 17 of the ‘730 Patent under the doctrine of equivalents. Microsoft Software performs substantially the same functions in substantially the same manner with substantially the same structures, obtaining substantially the same results, as the required elements of – at least – claims 1, 15, and 17 of the ‘730 Patent. Any differences between the Microsoft Software and the claims of the ‘730 Patent are insubstantial.

33. All recited elements of – at least – claims 1, 15, and 17 of the ‘730 Patent are present within, or performed by, Microsoft Software and are therefore attributable to Microsoft.

34. Microsoft Software, when used and/or operated in its intended manner, or as designed, infringes – at least – claims 1, 15, and 17 of the ‘730 Patent, and Microsoft is therefore liable for infringement of the ‘730 Patent.

DEMAND FOR JURY TRIAL

Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court enter:

- a. A judgment in favor of Plaintiff that Defendant has infringed the '730 Patent;
- b. A permanent injunction enjoining Defendant and its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert therewith, from infringement of the '730 Patent;
- c. A judgment and order requiring Defendant to pay Plaintiff its damages, costs, expenses, and pre-judgment and post-judgment interest for Defendant's infringement of the '730 Patent as provided under 35 U.S.C. § 284;
- d. An award to Plaintiff for enhanced damages resulting from the knowing and deliberate nature of Defendant's prohibited conduct with notice being made at least as early as the service date of this complaint, as provided under 35 U.S.C. § 284;
- e. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to Plaintiff its reasonable attorneys' fees; and
- f. Any and all other relief to which Plaintiff may show itself to be entitled.

January 6, 2020

Respectfully Submitted,

By: /s/ Ronald W. Burns

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